

Purchased/Filed: March 6, 2008

AFFIDAVIT OF SERVICE ON N.Y.S. SUPERINTENDENT OF INSURANCE

STATE OF NEW YORK

U. S. DISTRICT COURT

SOUTHERN DIST. COUNTY

Yonkers Racing Corporation

Plaintiff

vs

Arch Insurance Company

Defendant

STATE OF NEW YORK
COUNTY OF ALBANYChristopher Warner

being duly sworn, deposes and says that deponent

is over the age of 18 years. That on the 12th day of March, 2008

at 1 Commerce Plaza, 20th Floor, in the City of Albany, State of New York, deponent served the

Summons in a Civil Action & Complaint in the above actionupon Arch Insurance Company

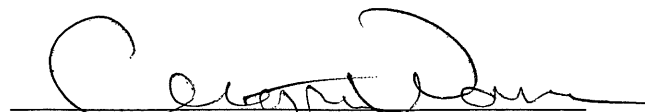
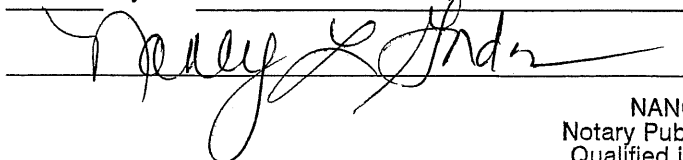
the defendant named therein, by delivering to and leaving with Patrick Harrigan, authorized to accept on behalf of the Insurance Department of the State of New York. Deponent further says that at the time of making such service deponent paid to the Insurance Department the sum of \$ 40., that being the lawful fee for such service.

Deponent further says, that deponent knew the person so served to be an Attorney for Superintendent of Insurance and a person authorized by law to accept service on behalf of the defendant.

Description of person served:

Approx. Age: 45yrs Weight: 170 Lbs Height: 5'10 Sex: Male Color of skin: WhiteHair color: Red Other: _____

Sworn to before me on this

13th day of March, 2008

Christopher Warner

NANCY L. GORDON
Notary Public, State of New York
Qualified in Rensselaer County
Reg. No. 01GO4503730
Commission Expires June 30, 2011

Invoice-Work Order # 0804774